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FM AMEMBASSY COLOMBO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5856
INFO RUEHRL/AMEMBASSY BERLIN PRIORITY 0337
RUEHKA/AMEMBASSY DHAKA PRIORITY 0035
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 7013
RUEHKT/AMEMBASSY KATHMANDU PRIORITY 5097
RUEHLO/AMEMBASSY LONDON PRIORITY 3670
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0853
RUEHNY/AMEMBASSY OSLO PRIORITY 3753
RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 0523
RUEHKO/AMEMBASSY TOKYO PRIORITY 2833
RUEHCG/AMCONSUL CHENNAI PRIORITY 7589
RUEHBI/AMCONSUL MUMBAI PRIORITY 5290
RHEFDIA/DIA WASHINGTON DC PRIORITY
RUEHGV/USMISSION GENEVA PRIORITY 1965
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY
RUEHBS/USEU BRUSSELS PRIORITY
RUEAIIA/CIA WASHINGTON DC PRIORITY
RUEKJCS/JOINT STAFF WASHDC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 000561

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DEPARTMENT FOR SCA/INS AND SCA/RA

E.O. 12958: DECL: 04/12/2016

TAGS: [PTER](#) [PGOV](#) [MOPS](#) [PREL](#) [CE](#)

SUBJECT: SRI LANKA: PRESIDENT RAJAPAKSA APPOINTS NEW
ABDUCTIONS CZAR

REF: COLOMBO 463

Classified By: AMBASSADOR ROBERT O. BLAKE, JR. REASONS: 1.4 (B, D)

11. (C) Summary. President Rajapaksa has tasked Justice Mahanama Tilakaratne to oversee the GSL's response to concerns about abductions, including the list of 347 names Ambassador presented to Presidential Chief of Staff Lalith Weeratunga. Prior to this assignment, Rajapaksa formally appointed Tilakaratne in September 2006 to be the Commissioner of the "One-Man Commission to Inquire into Disappearances, Abductions and Unexplained Killings of Civilians throughout the Island in the Recent Past." Embassy obtained a copy of Tilakaratne's report to Rajapaksa as One-Man Commissioner, although it has not been released to the public. It lists 51 cases, dismissing most as either random acts of violence or false reports. On April 10, Embassy interlocutor told poloff that Chairman of the National Human Rights Commission Ananda Coomaraswamy (strictly protect) was contemplating resignation due to obstruction from the Rajapaksa administration into abductions investigations. End Summary.

ONE-MAN ABDUCTIONS COMMISSIONER'S RESPONSIBILITIES EXPANDED

12. (C) On April 10, Presidential Chief of Staff Lalith Weeratunga told Ambassador that President Rajapaksa has tasked Mahanama Tilakaratne to oversee the GSL's efforts to investigate abductions. Weeratunga stated that Tilakaratne is personally going through the list of 347 names Ambassador presented to Weeratunga on March 20 (reftel), talking to police and detention centers to identify the whereabouts of each person. Weeratunga promised Ambassador that Tilakaratne would share his findings with the Embassy.

13. (C) In addition to this tasking, Tilakaratne serves as Commissioner of the "One-Man Commission to Inquire into

Disappearances, Abductions and Unexplained Killings of Civilians throughout the Island in the Recent Past," an assignment he accepted publicly on September 13, 2006. On April 5, Embassy obtained a copy of Tilakaratne's confidential report to Rajapaksa, which lists 14

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disappearances, 29 abductions and 8 killings. Of these, Tilakaratne chose to summarize six cases, concluding that "it appears that most of the abductions and disappearances have not stemmed from any organized actions of anyone." Tilakaratne dismissed one of the six cases as a false report; cited one case as a politically motivated abduction; and concluded that the four remaining cases were carried out by "unorganized criminal elements."

FRUSTRATION MAY RESULT IN CHAIRMAN OF HRC'S RESIGNATION

¶4. (C) On April 10, poloff met with Mr. M.C.M. Iqbal, appointed by former President Kumaratunga as the Secretary of the Commission of Inquiry on Abductions from 1995 to 2001. Although retired, Mr. Iqbal is active on the issue of abductions and has been a critic of the Rajapaksa administration. Mr. Iqbal told poloff that current Chairman of the National Human Rights Commission (HRC), Justice Ananda Coomaraswamy (strictly protect), has confided in him that he is considering resigning as Chairman. Mr. Iqbal explained that President Rajapaksa circumvented Amendment 17 to appoint longtime friend Nimal Punchihewa as Additional Secretary to the HRC, a position which did not exist prior to this administration. Punchihewa was Chairman of Fisheries when President Rajapaksa was Minister of Fisheries and both are from the same village. Mr. Iqbal stated that Punchihewa has

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instructed HRC staff to not provide information to Embassy or the media. Justice Coomaraswamy has expressed frustration to Mr. Iqbal over his inability to do his job as Chairman, stating that "his hands are tied."

BIO NOTE

¶5. (C) Tilakaratne was a High Court judge in Matara, Rajapaksa's home district, when Rajapaksa was practicing law in the 1980s. Rajapaksa appeared before Tilakaratne on many occasions, and the two became friends. In 1998, while still serving as a High Court judge, Tilakaratne and his son were charged with attempted murder of Tilakaratne's neighbor. Although both were acquitted, the investigation into the crime revealed that Tilakaratne illegally possessed a gun. In 2001, the Judicial Commission investigated Tilakaratne for ethical violations related to the gun charge, and, just before it was set to remove Tilakaratne from the bench, he resigned. The Commission, however, did withhold his judicial pension. After his election in 2005, Rajapaksa attempted to appoint Tilakaratne to the Human Rights Commission, but members of the law society objected and Tilakaratne's appointment was abandoned. However, Rajapaksa was successful in appointing Tilakaratne as One-Man Commissioner by avoiding the confines of Amendment 17 and making the appointment himself.

¶6. (C) COMMENT. There have been no reports of abductions in Colombo since Ambassador presented the list of 347 names to Weeratunga on March 20. While the appointment of a person to oversee a process of greater accountability on abductions is welcome, we will have to see whether Tilakaratne's close relations with the President will compromise his ability to carry out a serious and independent investigation. Tilakaratne's first pass at investigating abductions does not appear to have produced credible results. Congress' hold on MCC funds over concerns about Sri Lanka's human rights records may be one factor in Tilakaratne's assignment to personally investigate the list of names presented by

Ambassador. Despite these efforts, Justice Coomaraswamy's frustrations will likely be compounded by Tilakaratne's assignment, since investigating the abductions on Ambassador's list is a function that should have fallen to the HRC. The GSL's commitment to investigating abductions may have come too late to prevent Justice Coomaraswamy from resigning.

BLAKE